THE BOMBAY GROWTH OF FOODCROPS ACT, 1944.

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*BOMBAY ACT No. VIII OF 1944.[1]

[THE BOMBAY GROWTH OF FOODCROPS ACT, 1944.]

[*20th May 1944.*]

†Amended by Bom. 16 of 1944.

An Act to provide for regulating the cultivation of crops with a view to growing more foodcrops in the Province of Bombay.

WHEREAS it is expedient to provide for regulating the cultivation of crops with a view to growing more foodcrops in the Province of Bombay ;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

26 Geo.5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay, is pleased to make the following Act :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Growth of Foodcrops Act, 1944.

(*2*) It extends to the whole of the Province of Bombay, but shall come into force in any area thereof only on such date as the Provincial Government may by notification in the Official Gazette appoint in this behalf for that area [2][save as follows, namely, section 10A shall take effect only in such area, and from such date as the, Provincial Government may, by like notification, specify in this behalf.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " cultivator " means a person who is actually in possession of agricultural land whether as an occupant, tenant or otherwise, and includes a company and a joint family or a group of persons in joint actual possession ;

(*2*) " cultivator's holding " means the aggregate of all lands in the actual possession of a cultivator ;

(*3*) " scheduled foodcrop " means a crop specified in Schedule I ;

(*4*) " scheduled non-foodcrop " means a crop specified in Schedule II ;

(*5*) Words and expressions used in this Act but not defined shall have the same meaning as in the Bombay Land Revenue Code, 1879.

Bom. V of 1879.

Powers to prescribe maintenance of existing proportion of growing foodcrops.

3. The Provincial Government may by an order published in the Official Gazette and in such other manner as it may consider expedient direct that in any specified area every cultivator shall grow scheduled foodcrops in such area of his holding in the twelve months immediately following the date of the order as bears to the total area of his holding a proportion not less than that which the area of such crops grown by him in the twelve months previous to the date of the order bore to the total area of his then holding:

Provided that where a cultivator had no holding in the twelve months previous to the date of the order or where information regarding the area of the scheduled foodcrops grown in a cultivator's holding during the said twelve months is not available, the proportion for the purposes of this section shall be deemed to be such as may be fixed in the order.

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* This Act was re-enacted by Bom. 2 of 1948, s. 2.

[1] For the Statement, *see Bombay Government Gazette*, 1944, Part IV. p. 125.

[2] These words, figures and letter were added by Bom. 16 of 1944, s. 2, read with Bom. 2 of 1948, s. 2.

Explanation.—Where a scheduled foodcrop, is grown as a mixed crop with any crop other than a scheduled foodcrop, the area under such scheduled foodcrop shall, for the purposes of this section, be deemed to be not more than 1[¼, or such other proportion as may be fixed in this behalf by the Provincial Government either generally or in relation to any particular area or any particular mixed crop by notification published in the *Official Gazette* and in such other manner as it may consider expedient, whichever is greater,] of the total area under such mixed crop.

Power to prescribe maximum proportion of non-food-crops and minimum proportion of foodcrops to be grown.

4. If the Provincial Government is satisfied that it is necessary in the interests of the Province to increase the production of scheduled foodcrops in any local area, it may by an order published in the Official Gazette and in such other manner as it may consider expedient—

(*a*) prescribe the minimum proportion of the cultivator's holding in which scheduled foodcrops shall be grown after the date of the order in any cultivator's holding in that area during the twelve months immediately following the date of the order ;

(*b*) prescribe the proportion in excess of which scheduled non foodcrops shall not be grown after the date of the order in any cultivator's holding in that area during the twelve months immediately following the date of the order.

Explanation.—Where a scheduled foodcrops is grown as a mixed crop with any crop other than a scheduled foodcrop, the area under such scheduled foodcrop shall, for the purposes of this section, be deemed to be not more than 1[¼, such other proportion as may be fixed in this behalf by the Provincial Government either generally or in relation to any particular area or any particular mixed crop by notification published in the *Official Gazette* and in such other manner as it may consider expedient, whichever is greater,] of the total area under such mixed crop

Power to prohibit growing of non-food-crops in successive years.

5. The Provincial Government may by an order published in the Official Gazette and in such other manner as it may consider expedient direct that in any area specified in the order scheduled non-foodcrops shall not be grown after the date of the order in that part of a cultivator's holding in which they were grown in the previous twelve months.

Power to rescind or amend orders.

6. The Provincial Government may add to, amend, vary or rescind any order issued under sections 3, 4 or 5 if in its opinion the circumstances of a season or any other reasons make this desirable.

Power of Provincial Government to amend Schedules.

2[**6A.** The Provincial Government may, by notification in the *Official Gazette*, direct additions to or omissions from the list of crops specified in Schedule I or Schedule II either generally or with reference to any particular area specified in any such notification, and the Schedule shall on the issue of the notification be deemed to be amended accordingly.]

Power to exempt.

7. The Provincial Government may wholly or partially exempt any cultivator's holding or class of such holdings from any or all the provisions of this Act or any order made thereunder.

Effect of orders inconsistent with contracts to the contrary.

8. An order issued under section 3, 4, 5 or 6 shall have effect notwithstanding any contract to the contrary between the cultivator and any other person interested in the agricultural land affected by such order.

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[1] These figures and words were substituted for the figures "¼" by Bom. 16 of 1944, s. 3, read with Bom. 2 of 1948, s. 2.

[2] This section was inserted by Bom. 16 of 1944, s. 4, read with Bom. 2 of 1948, s. 2.

Fixation and guarantee of prices of foodcrops.

9. The Provincial Government shall, by an order published in the Official Gazette and in such other manner as it may consider expedient, fix and guarantee prices for all cereal foodcrops grown in any cultivator's holding in each of the areas in respect of which an order under section 3 or 4 is issued.

Reduction of revenue or irrigation dues and rent.

10. (*1*) The Provincial Government may remit any part of land revenue or irrigation dues if in its opinion it is necessary to do so in respect of any area to which an order under section 4 applies.

(*2*) Whenever remission is granted in any area under sub-section (*1*), rents payable by a cultivator to his superior holder in such area shall be adjusted in accordance with section 84A of the Bombay Land Revenue, Code, 1879.

Bom. V. of 1879.

Determination of rent.

[1][**10A.** (*1*) In the areas where this section takes effect under the provisions of sub-section (*2*) of section 1, it shall be lawful for a tenant who is compelled to grow scheduled foodcrops on any land by the operation of an order under section 4 to apply in writing to the Mamlatdar within whose jurisdiction the land is situated for determination of the rent to be paid by him in respect of the land; and thereupon notwithstanding anything contained in any law for the time being in force (including the Bombay Small Holders Relief Act, 1938, the Bombay Tenancy Act, 1939, and the Bombay Land Improvements Schemes Act, 1942) or any usage or agreement or decree or order of a Court of law, the rent payable by the tenant in respect of the land on which scheduled foodcrops are compulsorily grown shall be the rent determined under this section. The application shall be made in such form as may be prescribed by rules and shall be filed before the end of the tenancy year terminating on the 31st March.

Bom. VIII of 1938. Bom. XXIX of 1939. Bom. XXVIII of 1942.

(*2*) On receipt of an application under sub-section (*1*) the Mamlatdar shall give notice to the landlord and after holding a formal inquiry in the manner provided in the Bombay Land Revenue Code, 1879, shall determine the rent of the land.

Bom. V. of 1879.

(*3*) Any party aggrieved by the decision of the Mamlatdar under sub-section (*2*) may, within one month from such decision, file an appeal before the Assistant or Deputy Collector in charge of the taluka in which the land is situated.

(*4*) The Assistant or Deputy Collector in appeal may for reasons to be recorded in writing annual, reverse, modify or confirm the decision of the Mamlatdar or he may direct further inquiry to be made on any point or take additional evidence as he may think necessary.

(*5*) The following factors shall be taken into conideration in determining the rent:—

(*i*) the rental values of similar lands used for purposes of growing scheduled foodcrops in the locality;

(*ii*) the prices of scheduled foodcrops in the locality;

(*iii*) improvements, if any, made in the land by the landlord during the tenancy year;

(*iv*) assessment payable in respect of the land; and

(*v*) such other factors as may be prescribed by rules.

(*6*) The Mamlatdar and the Assistant or Deputy Collector in proceedings under this section shall have the same powers as are vested in Courts in respect of the

[1] This section was inserted, *ibid.*, s. 5.

following matters under the Code of Civil Procedure, 1908, in trying a suit, namely :— V of 1908.

(*i*) proof of facts by affidavit ;

(*ii*) summoning and enforcing the attendance of any person and examining him on oath ; and

(*iii*) compelling the production of documents.

The Mamlatdar and the Assistant or Deputy Collector may have also such other powers as may be prescribed by rules.

(*7*) The Mamlatdar or the Assistant or Deputy Collector may award costs in any proceedings under this section and such costs, together with the cost of execution, shall be recoverable from the party ordered to pay them as an arrear of land revenue.

(*8*) Every order passed by the Mamlatdar under this Act, if not appealed against, and every order passed by the Assistant or Deputy Collector in appeal, shall hold good only in respect of the tenancy year concerned and shall not be called in question in any Court.

(*9*) Notwithstanding anything contained in the Court-fees Act, 1870, every application under this section to the Mamlatdar and every appeal to the Assistant or Deputy Collector shall bear a court-fee stamp of such value as may be prescribed by rules. VII of 1870.

(*10*) Any party to proceedings under this section may appear by any person authorised in writing to act on his behalf.

Explanation.—For the purpose of this section, the word "Mamlatdar" includes a Mahalkari and any other officer appointed by the Commissioner to perform the duties of a Mamlatdar in respect of any area under this section.]

Penalty.

11. (*1*) If any cultivator contravenes an order made under sections 3, 4, 5 or 6, he shall be punishable with fine which may extend to fifty rupees in relation to every acre or less of land in respect of which the order is contravened.

Explanation.—If the cultivator is a company or a joint family, the principal officer of such company or the *karta* of the joint family, as the case may be, shall be deemed to be the cultivator.

(*2*) Any Court trying such contravention may direct that any crop not being a scheduled foodcrop in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty or, if the crop has been diposed of, such sum as may be equivalent to the fair value of the crop as may be determined by the Court shall be recovered as an arrear of land revenue.

Delegation of powers.

12. The powers conferred on the Provincial Government under this Act may, subject to such restrictions and conditions as it may impose, be delegated by it in whole or in part to the Commissioners or Collectors.

Power to make rules.

13. (*1*) The Provincial Government may be notification in the Official Gazette make rules for carrying out the provisions of this Act.

(*2*) The rules made under this section shall be made after previous publication.

SCHEDULE I.

Food Grains—

1. Rice.
2. Wheat.
3. Jowar : (*a*) Kharif, (*b*) Rabi.
4. Bajri.
5. Ragi.
6. Maize.
7. Kodra.
8. Barley.
9. Sama.
10. Rala.
11. Vari.

Pulses—

1. Gram.
2. Tur.
3. Pavata.
4. Mug.
5. Math.
6. Udid.
7. Wal.
8. Chavli.
9. Kulthi.
10. Peas.
11. Lentil.
12. Lang.

SCHEDULE II.

1. Cotton.
2. Tobacco.

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